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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,433	10/16/2003	James Kalgren	279.347US2	8025
21186	7590	08/02/2005		
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			EXAMINER MANUEL, GEORGE C	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,433	KALGREN ET AL.	
	Examiner	Art Unit	
	George Manuel	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8, 11, 14, 15, 17, 18 and 21-34 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 10, 12, 13, 16, 19, 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 9, 10, 12, 13, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Snell et al '936.

Regarding claim 1, Snell et al disclose a communication network interface comprising interpreters 6a, 6b, 6c and 12, and a plurality of sensor comprising paddles 8a. A processor comprising controller 14 is connected to a memory 16. A first data set comprises ECG wave pattern 48 and a second data set comprises at least 51 and 53. The pulses 51 and 53 are asynchronous with each other and the ECG. The ECG is not the same signal as the spikes 51 and 53. The ECG is sourced from the heart and the spikes 51 and 53 are sourced from the pacing apparatus.

Applicant's claims require a communications network to transmit data over a communication network to a correlation data unit. The claims do not appear to require the first and second data sets be transmitted over the communications network.

Applicant's remark that Snell does not show an output unit for displaying data, wherein the processor correlates at least a first data set and a second data set and sends the correlated data sets to the output unit for simultaneous display by the output

Art Unit: 3762

unit, and wherein at least one of the data sets is collected asynchronously is without merit. Controller 14 in combination with memory 16 correlates the data that is displayed on an output unit comprising display monitor 26, see Figs. 5 and 6.

Regarding claim 2, the ECG wave pattern 48 is a periodic signal that is periodically collected and the second data set further comprises pulses 99 and 100 where pacer pulse 51 is synchronized to pulse 100 and pulse 53 is synchronized to pulse 99. Col. 9, line 68 to col. 10, line 2 teach the ECG may be collected periodically.

Regarding claim 9, Snell et al disclose a memory 16, a first data set comprising ECG wave pattern 48, second data set comprising 51, 53, 99 and 100, where, for example, the V-pulse 99 shows the condition in which the pacer stimulated the ventricle. Controller 14 is connected to memory 16 and correlates the data that is displayed on an output unit comprising display monitor 26, see Figs. 5 and 6.

Regarding claim 10, the ECG wave pattern 48 is a periodic signal that is periodically collected and pacer pulse 51 is synchronized to pulse 100 and pulse 53 is synchronized to pulse 99.

Regarding claim 12, the pacer includes programmable parameter settings comprising time of settings.

Regarding claim 13, the pacer time of settings are displayed at 74 and time intervals 82, 84, 92 and 94 are displayed and associated with the operation of the pacer.

Regarding claim 16, skin ECG interpreter 12 collects a plurality of data sets with cardiac pacemaker 12. The first data set comprises ECG wave pattern 48 and a

Art Unit: 3762

second data set comprises 51 and 53. The pulses 51 and 53 are asynchronous with each other and the ECG. Data is transmitted over a communication network comprising telemetry head 4 and a correlation data unit comprises controller 14 connected to memory 16 and display monitor 26.

Regarding claim 19, pulses 51 and 53 correlate to data in the pacemaker 2. Snell et al teaches atrial or ventricular pulses generated by the pacemaker are telemetered to telemetry head 4. See col. 5, lines 15-24.

Regarding claim 20, pulse set "51 and 100" are synchronous as are pulse set "53 and 99". Pulse set "51 and 100" is asynchronous with pulse set "53 and 99". See Figs. 5 and 6.

Allowable Subject Matter

Claims 3-8, 11, 14, 15, 17, 18 and 21-34 are allowed.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3762

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.


George Manuel
Primary Examiner
Art Unit: 3762

7/29/05